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**Adjournment Debate: Bisher al-Rawi**

**8 January 2007**

R341A

**Mr. Edward Davey (Kingston and Surbiton) (LD):**

My constituent, Bisher al-Rawi, lives in New Malden, Surrey, but he is currently in camp 5, Guantanamo Bay, Cuba. He has been imprisoned there by the Americans for over four years, without charge or trial, and has been subjected to continual degradation and torture. That would all be bad enough, but there is undeniable evidence—we have the telegrams—that MI5, and therefore the UK Government, was complicit in Bisher's illegal arrest, complicit in his rendition, and complicit in his long, illegal detention. As MI5 must have known about the psychological torture techniques of the United States, I believe that the UK has been complicit in his torture, too.

Whatever Bisher may or may not have done—I believe that he is innocent—he has suffered a huge injustice, and has been denied basic human and legal rights. His likely innocence only makes that injustice even more intolerable. Ministers have been aware of Bisher's case all along. I first contacted the Foreign Office in late 2002, when Bisher's brother-in-law came to see me, and when Bisher was still in the Gambia. There have been many letters and many meetings with Ministers since, yet throughout the UK Government have failed to admit their complicity and have denied any moral responsibility for Bisher. Instead, Ministers have chosen to hide behind the fact that Bisher is “only” a British resident, having come to the UK, aged 16, 23 years ago, fleeing with his family from Saddam Hussein.

Although his family became British citizens, Bisher and his family decided that he would retain Iraqi citizenship so that his family might one day be able to reclaim their Iraqi property. As a result, the British Government have always refused to make formal representations for him—until last March. Faced with a court hearing in which it would emerge that Bisher had worked for MI5, the Government did a volte-face and agreed to represent him.

However, the problem is that it does not seem as if the Government are trying that hard for Bisher, or if they are, that they are any good at making representations to the United States—our closest ally—as Bisher remains in Guantanamo. Indeed, if anything, his situation is worse. Immediately after the Government agreed to ask for Bisher's return, he was thrown into the top-security isolation camp 5 for refusing to answer questions that he has been asked hundreds of times before. All three of his attorneys, who have seen Bisher in the past few months, agree that his mental health is deteriorating fast.

I will tell Bisher's story tonight, but I start with three questions.

First, why have the Government failed to secure Bisher's release, after promising that they would do so back in March?

Secondly, how are the current discussions with the United States on Bisher's release proceeding, and is there a timetable for his release?

Thirdly, will the Foreign Office now request that the Prime Minister himself urgently raises Bisher's case with the US president, direct, to help to secure Bisher's immediate release and return to the United Kingdom?

I shall rewind, and give Bisher's full story but, first, I wish to pay tribute to his family, who have shown a great deal of courage during this difficult period. I pay tribute to his lawyers, both American and British, who have worked with huge determination and intelligence to try to

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secure Bisher's release. I pay tribute to the late Mark Jennings, who worked in my office before leaving to work tirelessly for Bisher's release.

Bisher al-Rawi was born in 1967 to a well-to-do Iraqi family. His great-grandfather, a Prime Minister of Jordan in the 1920s, helped to write the country's constitution and was a fervent backer of democracy. His late father, Dr. al-Rawi, a successful Iraqi businessman, was imprisoned by Saddam Hussein for 18 months. He was tortured during that period but, ironically, given Bisher's circumstances, a court in Saddam's regime ordered his release, and the family fled to the United Kingdom. In the UK, Bisher had a privileged and very English upbringing. He was privately educated in Cambridge before being sent to Millfield public school. He went on to read material engineering at University college London. He was loved by all his family and friends, and he was exceedingly popular.

How did Bisher come to the notice of the authorities? He got to know the radical Islamic cleric, Abu Qatada, who is alleged to have links with al-Qaeda. Indeed, Abu Qatada has been variously described as a truly dangerous individual and a key figure in al-Qaeda-related terror activities, although he denies such allegations. Deportation proceedings against him are pending, but I can state categorically that he has never been charged with any wrongdoing. It appears that my constituent has been illegally imprisoned for four years solely on the basis that he was an associate of Abu Qatada.

I should therefore like to ask the Minister for Trade why the authorities have never charged Abu Qatada with any terrorist activity. Is Bisher guilty by association with someone who has never been charged with any crime? Will the Minister confirm that Bisher helped MI5 by serving as a translator and carrying messages between it and Abu Qatada?

In an astonishing statement in 2005 to his lawyer, Clive Stafford Smith, in Guantanamo, Bisher recounted how he worked with MI5. He claimed to have worked with a number of agents, whom he names as Alex, Matt and Martin. He described a large number of meetings and telephone calls, in which he used a mobile phone provided by MI5, that took place over a period of months. MI5 lost track of Abu Qatada, and it was Bisher who told it that he knew where he was before acting as a go-between. In his statement to Clive Stafford Smith, Bisher explained how difficult that period was, as he was criticised by both MI5 and Abu Qatada. Bisher requested an MI5 lawyer, as he was worried that he would be incriminated by MI5. An MI5 lawyer using the name Simon assured Bisher that he did not run any risk, and that MI5 would assist him if he got into trouble as a result of his association with Abu Qatada—some promise from MI5. Around July 2002, Bisher said that MI5 broke off the relationship, and he did not hear anything more from it until he met its agents again in Guantanamo.

That leads me to the next stage of the story—Bisher's arrest in Gambia. In the second half of 2002, Bisher became involved with a business idea that his brother, Wahab, put together for a mobile peanut processing plant in Gambia, together with a team of friends, including a British citizen, Abdullah El-Janoudi, and Jamil Al-Banna, who is a constituent of my hon. Friend the Member for Brent, East (Sarah Teather). She is in the Chamber, and she has campaigned hard, both for her constituent and, with me, against the injustices of Guantanamo. Because of proceedings that are under way, she is unable to intervene in our debate. On 1 November, Bisher and Jamil went to Gatwick airport to fly to Gambia to join Wahab. They were detained at Gatwick, and were held in Paddington Green police station on the grounds that a supposedly suspicious electronic device had been found in Bisher's luggage. Their homes and computers were searched, but nothing was found. Eventually, they were released, and the police confirmed that the suspicious device was a battery charger available at outlets of Argos.

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However, during this period MI5 was contacting the US authorities, telling them that Bisher and Jamil were intending to travel to the Gambia, and that Bisher was an "Islamic extremist" who had been found with a "suspicious device"—the battery charger. Months later, when Bisher was undergoing his combatant status review tribunal in Guantanamo, the Americans used allegations about the "suspicious device" as evidence that he was an enemy combatant.

On 8 November 2002, Bisher and Jamil once again went to Gatwick, having been told by MI5 that there was now no problem with their trip. At the same time, MI5 was informing CIA agents in the Gambia of their names and flight details, so they were arrested at the airport, questioned by the Gambians and handed over to the CIA. After four weeks of questioning, the two British citizens, Wahab and Abdullah El-Janoudi, were sent back to the UK. Bisher and Jamil, however, were detained and then rendered to Afghanistan by the CIA on 8 December 2002.

After a truly dreadful period in the so-called dark prison, the two men were transferred to Bagram airfield near Kabul, and after another two months of questioning and abuse, to Guantanamo. I give only a brief account of this awful time to prove one key point: that British secret services were utterly complicit in the arrest and rendition of Bisher and Jamil, as several independent inquiries into rendition have found, including one conducted by the European Parliament.

Let me ask the Minister the following questions. Why was Bisher not detained permanently in London prior to travelling to the Gambia, if the UK Government suspected him of being a terrorist? Will the Foreign Office confirm the authenticity of the telegrams produced during the judicial proceedings, which were supposedly sent by MI5 to the American authorities in the Gambia in November 2002? When did the British Government become aware that Bisher had been rendered to Kabul, Afghanistan, and what, if any, action was taken?

Given the tortures suffered during this period, let me ask two further questions. Did the British Government or their secret services know that Bisher and Jamil had been delivered to the Americans to be tortured? On the Americans and torture more generally, are the British Government aware that when the US signed the UN convention against torture in 1994, it did so with four carefully detailed diplomatic "reservations" focusing on one word in the convention's 26 printed pages? That word was "mental". Are the UK Government aware, therefore, that the US retains, in its eyes, the legal power to commit psychological torture?

Since that initial period in the Gambia and Afghanistan, Bisher has been a long time in Guantanamo. He has frequently endured periods of abuse—lights on 24 hours a day to make it difficult to sleep. On one occasion he used the 15 sheets of toilet paper that detainees are given each day to cover his eyes. They were taken away from him for misuse. He suffered abuse with artificial temperature extremes. One week the air conditioning is shut off to expose detainees to heat that rises to 95°; the next week the air conditioning is blasted at maximum to leave the detainees shivering. On one occasion, Bisher used his prayer rug to cover himself because he was so cold. It was taken away, again for misuse.

UK officials know about the abuse because Bisher's lawyers have given them a deposition. Can the Minister tell me whether the British Government have taken any action to persuade the Americans to desist from the psychological torture of Bisher and other detainees?

Perhaps the most important question is why the US has kept Bisher in Guantanamo for so long. Judging from the records in Bisher's combatant status review tribunal, a Mickey Mouse

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procedure ruled unconstitutional by the US Supreme Court, and judging by Bisher's interviews with his lawyers, the only thing about Bisher in which the US is really interested is Abu Qatada. I believe they want Bisher to incriminate Abu Qatada and hope that Bisher will help them communicate once more with Abu Qatada.

Beyond Abu Qatada, the US seems to have no interest in Bisher at all. Indeed, few people, if any, in MI5 or, as I have been told, the US State Department now consider Bisher to be a serious security risk. So why are they keeping Bisher? We have been told that the Bush Administration want to close down Guantanamo Bay, and we have been told that the British Government are against Guantanamo Bay, so why keep Bisher?

The situation is even more confusing when one considers the Government U-turn last March. Faced with a hearing in which Bisher's work for MI5 would come out—no doubt MI5 agents would have been asked to give evidence—the Treasury solicitor agreed to make formal representations for Bisher to the United States, something that the right hon. Member for Blackburn (Mr. Straw), the then Foreign Secretary, had told me on more than one occasion that he was not prepared to do.

I welcomed that U-turn, but it prompted a serious question: why did the UK Government not make the request at an earlier date? Why, given all the evidence including representations by me and the family, did the British Government have to wait until March 2006 and the pressure of a court hearing before they decided to make representations for Bisher? Now that the Government have started to make those representations, why has there apparently been so little progress? Why are the Government not making representations for all the British residents, and why are they not making them now and fervently?

I hope that the Minister will answer a few questions about the representations that the Government have tried to carry out. Will he tell me when the request for the release and return of Bisher al-Rawi, which was promised on 22 March 2006 by the Treasury solicitor, was first made? On how many subsequent occasions has that request for Bisher's return been followed up by either Ministers or officials, on which dates and with what effect? What have been the main elements of the US response to the UK's request for Bisher's release? Above all, what is the latest development and expectation for any ongoing discussions with the Americans on Bisher?

After the Government said that they would make representations, I waited a few months and then met a State Department representative in Washington last year to find out how the representations were going. I was shocked to learn how inter-agency rivalries, especially between the State Department and the Defence Department, were a real problem. I learned that the Pentagon, not the State Department, was calling the shots. Indeed, the State Department was extremely uninterested in representations from our Foreign Secretary and made it pretty clear that the Defence Department was even less interested.

The Pentagon has some very bureaucratic procedures for considering a detainee's release, all of which are based around a detainee's file. Clearly, a detainee will not be released by the Pentagon if their file contains any grounds for continuing detention. Much of the contents of Bisher's file would have come from MI5, which is why I followed up my meeting with the State Department with a meeting with the Minister last July. I made the unusual request for the Minister somehow to get MI5 to review all the evidence and information provided by the UK to the US about Bisher, so that any mistakes sitting in Bisher's file, such as the mistake about the battery charger, could be rectified. At the time, the Minister did not give me a full assurance that he would do so, but I ask the Minister tonight whether it has been done. Have the UK Government ever sought to

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correct, clarify or withdraw any inaccurate allegations contained in the information provided to the United States by MI5 in respect of Bisher? If not, why not? If so, when and to what effect? If such a request has not been made, will the Minister assure me that it will be done immediately?

If the Minister cannot give me such an assurance, I hope that he will understand my alarm.

According to the lawyers who have met Bisher over the past few months, Bisher's health is deteriorating fast. A recent legal declaration by one of Bisher's lawyers states:

"In my opinion, his extended isolation and harsh conditions of confinement are causing him severe mental distress and may have a lasting negative psychological impact. I am particularly concerned by the deterioration I have observed over time. To put it simply, my greatest fear is that Mr Al Rawi, if not released immediately from prison will no longer be Mr Al Rawi."

Can the Minister tell me how those health concerns are affecting negotiations about Bisher? What efforts have been made to have UK consulate and medical officials visit him, and indeed the other British residents? What reports on Bisher's health have been given to the Minister?

When I reflect on this sorry state of affairs, I reflect on the need to wage a battle against terrorism to ensure that its evil does not go around the world. I look at Bisher's case and think what signal it sends to Muslims and Arabs who want to help in the fight against terrorism—absolutely the wrong signal. Bisher is an example of someone who wanted to help the British secret services and to help to prevent terrorism—and this is how he has been treated. I cannot think of a worse way of trying to tackle terrorism.

For Bisher and his family, it is time that this injustice was ended. It is time that the British Government made amends for the many failings to date, especially by MI5. It is time that the Prime Minister made a personal request to President Bush to secure the release of Bisher al-Rawi from Guantanamo.

### **The Minister for Trade (Mr. Ian McCartney):**

I welcome the opportunity that the hon. Member for Kingston and Surbiton (Mr. Davey) has given us to debate the detention of his constituent, Mr. al-Rawi. I pay tribute to him for his perseverance in this case on behalf of his constituent. I understand that this is of huge importance to Mr. al-Rawi's family and friends. I also understand that Guantanamo Bay is of considerable interest to many others too. I respect both points and have taken careful account of them in preparing my contribution to this evening's debate.

The hon. Gentleman raised security issues to which I cannot respond. I assure him that I will keep in contact with him on those matters, as I have on others. I will review what he has said this evening and the discussions that we have had, and if there is any need for further discussions I will make contact with him.

I need to begin by asking the House to respect the wider context of this debate. Before I enter into the detail of Mr. al-Rawi's case, it is important for us all to remember the circumstances which led to Guantanamo Bay and how they have had a profound effect on the US Government's security policy, and indeed our own, over the past few years. None of us can forget that almost 3,000 people were killed during the horrific terrorist attacks of 11 September 2001. It remains a chilling figure, as do the images from that awful day. As my right hon. Friend the Member for

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Blackburn (Mr. Straw) said to the Foreign Affairs Committee on 15 March 2006, if the attacks of 11 September had happened in the UK rather than the US, it would have changed our politics and security parameters just as it has changed those of the Americans.

Let us not think that 9/11 was an isolated incident. The list of major terrorist attacks, preceding and subsequent, is long. They include attacks and hundreds of people killed in East Africa, Yemen, Saudi Arabia, Turkey, Indonesia, Spain, Morocco, Tunisia, Egypt, Syria, Jordan and Pakistan—and of course 52 people were killed in this city in 2005. The casualty figures would have been even higher had any of the numerous planned attacks that have been foiled since 2000 succeeded—in the hundreds, perhaps even thousands.

We face a major threat from international terrorism and are likely to do so for many years to come. This is the shocking reality we face, and international co-operation to counter this global threat is of critical importance. We will continue to take steps to protect our citizens: for that I make no apologies.

Let me turn to Guantanamo Bay. The British Government's position is clear. Notwithstanding what I have said about the reasons why the US created Guantanamo Bay in the first place and the continuing threat from terrorism, we believe, as I stated on 15 June in the debate in this House on the Foreign and Commonwealth Office's human rights annual report 2006, and as the Prime Minister and other colleagues have said, that Guantanamo should close.

The hon. Member for Kingston and Surbiton implies that the British Government have been inactive over Guantanamo. That is not the case. Yes, we have interviewed detainees there about the threat to the UK's national security—it would have been irresponsible not to do so. However, we have also worked tirelessly to secure the release of all the UK nationals who were detained there. Five were released in March 2004 and the remaining four in January 2005. That was our understandable priority. Since then, we have pressed the US Government hard on Guantanamo's future and the broader issues raised by the camp. The hon. Gentleman mentioned some of them this evening.

We welcome the US President's public commitment to close Guantanamo Bay as soon as practicable, and the US Government's progress to that end. I understand that nearly 800 detainees have passed through Guantanamo, of whom approximately 340 have been released, leaving about 435 detainees. Four were recently transferred back to Bahrain, Iran and Pakistan, and I know that the US Government are working hard to reduce the numbers as quickly as possible. That is a complicated task. Careful consideration should—and is—being given to how numbers at the camp can be reduced. The dilemma for the US is maintaining international security while respecting the human rights of detainees when they are released.

Our position on Guantanamo's future is principled and pragmatic, reflecting the need to balance security and liberty. We will continue to follow developments in Guantanamo Bay closely and to discuss conditions there, as well as wider detainee issues, with the US Government.

**Mr. Chris Mullin (Sunderland, South) (Lab):**

As my right hon. Friend said, through our prolonged representations to the American Government we succeeded in retrieving the British citizens who were held in Guantanamo. However, have we requested the return of any of the British residents held in Guantanamo? What are the Americans saying about that? Do they say that we cannot have Mr. al-Rawi back unless

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we have all 10 British residents back, or do they say something else? Perhaps they have not been asked.

**Mr. McCartney:**

We are dealing specifically with Mr. al-Rawi's case and circumstances. Several other cases are awaiting a House of Lords ruling and I therefore do not want to comment on them. The hon. Member for Kingston and Surbiton pointed out that a constituent of the hon. Member for Brent, East (Sarah Teather) is involved in the case that will go before the House of Lords. I shall not comment on that until a decision has been made because it will have implications for the points that my hon. Friend made.

**Mr. Mullin:**

My question was: have we made a request for the return of any of the British residents in Guantanamo Bay?

**Mr. McCartney:**

We are often asked about the circumstances of detainees who were formerly resident in the United Kingdom. It is a long-standing Government policy not to offer consular assistance to non-British nationals, except when a specific agreement to do so exists with another state. A long period of residence in the UK is not a substitute for British nationality. However, in 2005, my noble Friend Baroness Symons agreed exceptionally to meet, on a humanitarian basis, the families and representatives of those detainees whom we knew were formerly resident in the UK but were not British nationals, and we passed on the concerns that the families expressed to the US authorities. We continue regularly to raise humanitarian concerns about detentions at the Bay with the USA, including those about detainees who were formerly resident in the UK. That goes back to the point that I made to my hon. Friend a few moments ago. I cannot and shall not discuss matters that will come before the courts.

**Sarah Teather (Brent, East) (LD):**

The British Government often state that they have no standing in international law to request the release of non-British citizens who were resident in the UK. However, did not Angela Merkel manage to negotiate the release of a non-German national? Why cannot the British Government do the same?

**Mr. McCartney:**

The hon. Member for Kingston and Surbiton made it clear that, in a case in December 2006, the House of Lords granted permission for families to appeal. Mr. al-Rawi is no longer part of those proceedings, so we can discuss him but not the other cases. Their outcome may have a significant impact on decisions about such matters generally. The hon. Lady and my hon. Friend the Member for Sunderland, South (Mr. Mullin) have made their points. I have tried to answer them as fully as possible in the context of our discussion.

**Simon Hughes (North Southwark and Bermondsey) (LD):**

May I come back to the subject of the constituent of my hon. Friend the Member for Kingston and Surbiton (Mr. Davey)—the specific subject of this debate? Will the Minister answer the questions put by my hon. Friend—they were also asked more generally by the hon. Member for Sunderland, South (Mr. Mullin)—about whether the Government have made representations to the American Government about my hon. Friend's constituent? On how many occasions have any such representations been made; what was the response; and from whom did it come?

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**Mr. McCartney:**

The hon. Gentleman should allow me to set out my response to his hon. Friend and should take account of what I said in my opening remarks about the generality of the case and my response to it.

I would like to draw the House's attention to President Bush's speech of 6 September 2006. We welcomed a number of steps announced in this speech—in particular, the stated intention to treat all detainees in accordance with the provisions of the Geneva conventions and to grant the International Committee of the Red Cross access to 14 so-called "high value" detainees. The US intention to prosecute those key detainees is also welcome, not least to the many victims of international terrorism and their families. The Prime Minister, Foreign Secretaries and senior Government officials and lawyers have all been actively involved in Guantanamo-related matters for a long while. It is a picture of considerable and overall productive engagement.

I turn now to deal with the specific subject of this debate: Mr. al-Rawi and what we are doing to achieve his release from Guantanamo. I must begin by responding to the charge made by the hon. Member for Kingston and Surbiton that the British Government were complicit in his constituent's arrest and detention. As the hon. Gentleman set out, Mr. al-Rawi travelled to Gambia and was arrested on arrival. I must stress absolutely and categorically that the UK did not request the detention of the hon. Gentleman's constituent in Gambia; nor did the UK play any role in his transfer to Afghanistan or Guantanamo Bay. To suggest otherwise is, quite simply, not the case.

As the hon. Member for Kingston and Surbiton mentioned, the then Foreign Secretary, my right hon. Friend the Member for Blackburn, agreed in March 2006 to make representations to the US Government for Mr. al-Rawi's release from Guantanamo Bay and his return to the UK. That decision was based on the particular circumstances in Mr. al-Rawi's case. On 6 April 2006, having taken that decision, my right hon. Friend wrote to the US Secretary of State to ask formally for his release and return. The US State Department replied to the British ambassador in Washington later that month and detailed discussions between our Governments have continued since.

**Mr. Davey:**

May I take the Minister back to the point about complicity? During the judicial proceedings last March, various cables that MI5 sent to the Americans in Gambia were released, so they are a matter of public record. In those cables, it is very clear that the British authorities were seeking the detention of Bisher al-Rawi, Jamil al-Banna and Abdullah el-Janoudi. Is the Minister denying that? I believe that those cables are a matter of public record.

**Mr. McCartney:**

I cannot add to what I have already said or make it any clearer. I thought that I had made it absolutely clear in my response to what he said. I give him an absolute assurance—

*[Interruption.]* I am trying to be as helpful and open as I possibly can. I hope that one thing that will be clear to the hon. Gentleman and his hon. Friends is our genuine desire to resolve this matter in an effective way until this gentleman returns to the UK.

There are some difficult issues, so I may not be able to answer or resolve all the questions in the way that the hon. Gentleman wishes. I am not able to respond to every question in the way that he wants, but there is one underlying fact. He asked whether we were working to return his constituent and the answer is yes. He asks whether we are working productively and the answer is yes. We are putting a great deal of effort to ensure that we proceed as best we can. I am giving

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the underlying assurance that the hon. Gentleman seeks through this Adjournment debate. I can reassure him that we are pursuing the matter vigorously with the US Government and that we will continue to do so.

It is important to recognise that these are sensitive and complicated issues. The hon. Gentleman has clarified his view in respect of them and they require detailed discussions with the various interested departments, as he suggested. He discussed his efforts to secure his constituent's release, but the House will understand that discussions about returning UK nationals from Guantanamo Bay take time. They took many months in the previous cases and similar issues are at play in this case. *[Interruption.]* I understood that this debate could continue until 10.30 pm. Am I allowed to continue? I apologise; I thought that someone just said that there was only a minute to go.

I want to reassure the hon. Gentleman that we are committed to securing Mr. al-Rawi's release from Guantanamo Bay and his return to the UK. We believe that our work should be allowed to come to a successful conclusion.

*It being Ten o'clock, the motion for the Adjournment of the House lapsed, without Question put. Motion made, and Question proposed, That this House do now adjourn.— [Kevin Brennan.]*

### Mr. McCartney:

That is a mere technicality. Later this year, it will be 20 years since I came into the House, but these things still confuse me. I apologise, Mr. Speaker; I should have sat down at the point when you wanted me to. I apologise to the Whips as well.

I reiterate that we are committed to securing Mr. al-Rawi's release from Guantanamo Bay and his return to the UK. We believe that our work should be allowed to come to a successful conclusion. I will keep the hon. Gentleman informed of any developments. I am sure that the House will understand that.

The hon. Gentleman also raised concerns about Mr. al-Rawi's health and the conditions of his detention. I stress that we continue to raise humanitarian concerns about detentions at Guantanamo Bay with the US authorities. As part of our regular exchanges with the United States, we have raised on a number of occasions issues relating to detainees who were formerly resident in the UK, including Mr. al-Rawi. The hon. Gentleman asked me a question about that, and I confirm that that is the case.

Following contact with Mr. al-Rawi's lawyers just before Christmas, we raised specific concerns about his conditions of detention and health with the United States Government. They were the same concerns that the hon. Gentleman has expressed in the House this evening, and the US Government have confirmed to us that they are looking into them. We are taking full account of Mr. al-Rawi's well-being in our work to secure his release. The hon. Gentleman asked me specific questions on that. Yes, we have raised those issues with the United States Government, and yes, that is part of the process of working to secure Mr. al-Rawi's release.

The hon. Gentleman asked about Abu Qatada. The House should be in no doubt about the threat that we believe Abu Qatada poses to the United Kingdom. The hon. Gentleman is right to refer to Abu Qatada as "a truly dangerous individual" who is "at the centre in the UK of terrorist activities associated with Al-Qaeda".

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These are not the words of the hon. Gentleman. They are not my words or the words of any Minister or Government official. They are the words of the judge who considered the national security evidence against Abu Qatada in proceedings under the Anti-Terrorism, Crime and Security Act 2001. The hon. Gentleman asked for evidence. Under that Act, that was the view of a member of the independent judiciary. The judge made those comments, and Abu Qatada has since been detained pending his deportation to Jordan.

The hon. Gentleman made certain remarks about Mr. al-Rawi and MI5. I am not going to go into intelligence matters here. The House would not expect me to do so; nor am I going to.

**Simon Hughes:**

Will the Minister give way?

**Mr. McCartney:**

If it is on that issue, there is no point in my giving way.

**Simon Hughes:**

It is not. The Minister said that he or other Ministers had communicated their concerns about Mr. al-Rawi's health to the American Government in December. It would be some consolation, and would back up what he has said, if he would undertake to communicate the concern felt across the House and specifically to report back to my hon. Friend in a public as well as a private way on the response of the United States Government to this debate tonight.

**Mr. McCartney:**

The hon. Gentleman makes a reasonable point. There is no doubt that the contents of this debate will be made available by me to those who are carrying out discussions with our colleagues in the United States. All the matters that have been raised here will be part of that. I can give the hon. Gentleman the assurance that nothing that has been said here will remain silent. The hon. Member for Kingston and Surbiton has raised this matter for specific reasons, and some of the issues that he has raised are reasonable. They are issues that he has raised with us before, and I give him a commitment that we have raised them with the United States, and will continue to do so. They are part of the reason why we are trying to conclude the discussions and to get the gentleman returned to the United Kingdom.

**Mr. Davey:**

I am grateful to the Minister for his answer to my hon. Friend. Will he pledge to come back to me with some more details? First, I know that Bisher's mother and sister, and the rest of his family, are keen to have the report on Bisher's health. Secondly, will the Minister and his officials ask the Americans directly whether a UK consular medical expert can visit Mr. al-Rawi in Guantanamo Bay?

**Mr. McCartney:**

I cannot give such a specific commitment. As I have said, however, discussions are ongoing with the American authorities. The hon. Gentleman is asking us to do something to which we are already committed, and that we are doing. As I have confirmed, we are raising with the American authorities the health and security of Mr. al-Rawi in the context of discussions about his return to the United Kingdom. I cannot go further than that, but his point is well made.

The hon. Gentleman also referred to his constituent being mistreated. The House may recall that, in December 2005, US Secretary of State Condoleezza Rice stated publicly that the United States does not authorise and condone torture of detainees. The US Detainee Treatment Act of 30

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December 2005 requires that no individual in the custody or under the physical control of the US Government shall be subject to cruel, inhuman or degrading treatment. The Act made established US policy a matter of statute.

The British Government's position on torture is clear and has not changed: we condemn unreservedly the use of torture as a matter of fundamental principle; we condemn it not just in principle but in practice. We do not use it or encourage others to use it. We expect all countries to comply with their international legal obligations. We continue to work around the world to eradicate torture. We were among the first to ratify the new optional protocol to the UN convention against torture and we worked hard to persuade others to ratify it so that it could come into force last year. We have also worked with non-governmental organisations and others to tackle torture in a range of countries: for example, we worked with Essex university to produce a handbook on the medical investigation of torture, which I launched in June 2006. In my role as a Foreign Office Minister, I was committed to dealing with that issue.

The hon. Gentleman referred to the reservations and understandings made by the US when it ratified the convention against torture. Just as states have a free choice as to whether to ratify treaties, it is generally open to them to enter reservations on ratification, as long as those reservations are not incompatible with the object and purpose of the treaty.

**Mr. Davey:**

Perhaps I am anticipating what the Minister was about to say. Can he confirm that the British Government have signed up to all aspects of the UN convention against torture, including psychological torture? On that point, there is a difference between the rules that the British Government say that they abide by and those that the Americans abide by.

**Mr. McCartney:**

As I made absolutely clear to the hon. Gentleman, this Government were one of the first to ratify the protocol. I will write to him on the details of what we ratified.

The whole purpose of the handbook that I launched last year was to provide Governments, NGOs and other organisations across the globe with a practical tool to help to identify the victims of physical torture, mental torture or both. It is a major piece of work to assist the victims of torture, and those who represent them, to identify and eradicate it. I will write to the hon. Gentleman in more detail to ensure that all his points are covered fully. I am totally committed to dealing with these issues, and the publication was produced to address those matters covered by the protocol to the convention against torture, to which the Government so readily signed up.

The message that I want to leave with the hon. Gentleman and the House is that we are proactively and in good faith—I underline that—seeking to achieve his constituent's release from Guantanamo Bay and return to the United Kingdom. I will continue to work with him and keep him in contact so that he can inform his constituent's family on the details of his return.

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